

Notice of Allowability

Application No.

10/658,491

Examiner

Phuong Huynh

Applicant(s)

NASH ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/3/07.
2. ☒ The allowed claim(s) is/are 1,3,5-12,18,20-29,36 and 38-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Z Peter Sawicki on March 26, 2007.
3. **In the claims:**
 - Claim 1, line 3, "preventing" has been changed to -- inhibiting --
 - Claim 1, last line -- to obtain said microbial adherence inhibitor -- has been inserted after "shells".
 - Claim 5 has been rewritten as follow -- The method of claim 3 including: providing a dry feed carrier material, and drying the separated antibody-containing contents of said eggs by coating said dry carrier material with said separated antibody-containing contents of said eggs. --
 - Claim 6, line 2, "includes" has been changed to -- is selected from the group consisting of --
 - Claim 6, line 3 "or" has been changed to -- and --
 - Claim 8 has been rewritten as follow: -- A method of production of a microbial adherence inhibitor for administration to food animals to control the incidence of rumen acidosis in food animals by inhibiting the adherence of *Streptococcus bovis* bacteria in the rumen of said food animals, said method comprising:
 - a. inoculating female birds, in or about to reach their egg laying age, with the *Streptococcus bovis* that have been cultured to stimulate adherence SB antigens from *Streptococcus bovis*;
 - b. allowing a period of time to permit the production in the birds and eggs laid by the birds of antibody to SB antigen from *Streptococcus bovis*;

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c. harvesting the eggs laid by the birds; and

d. separating the antibody-containing contents of said harvested eggs from the eggshells to obtain the microbial adherence inhibitor.

- Claim 9, line 1 “including” has been changed to -- further comprising --
- Claim 10 has been rewritten as follow: -- The method of claim 8 further comprising providing a dry feed carrier material, and drying the separated antibody-containing contents of said eggs by coating said dry feed carrier material with said separated antibody-containing contents of said eggs. --
- Claim 11, line 2, “includes” has been changed to -- is selected from the group consisting of --
- Claim 11, line 3 “or” has been changed to -- and --
- Claim 18, lines 3 and 6, “*Lactobacillus, spp.*” has been changed to -- *lactobacillus spp.* --
- Claim 18, last line, -- to obtain the microbial adherence inhibitor -- has been inserted after “shells”
- Claim 20, line 1, “Claim 19” has been changed to -- claim 18 --
- Claim 21, line 1, “Claim 19 including:” has been changed to -- claim 18 further comprising coating a dry feed carrier with said antibody containing contents of said eggs to obtain --
- Claim 22, line 2, “includes” has been changed to -- is selected from the group consisting of --
- Claim 22, line 3, “or” has been changed to -- and --
- Claim 23 has been rewritten as follow: -- The microbial adherence inhibitor of claim 18 further comprising mixing the antibody-containing contents of the eggs with a liquid extender. --
- Claim 25, last line, -- to obtain the microbial adherence inhibitor -- has been inserted after “shells”
- Claim 27, line 1, “including:” has been changed to -- further comprising coating a dry feed carrier with said antibody containing contents of said eggs to obtain --

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- Claim 28, line 2, "includes" has been changed to -- is selected from the group consisting of --
- Claim 28, line 3, "or" has been changed to -- and --
- Claim 29 has been rewritten as follow: -- The microbial adherence inhibitor of claim 25 further comprising mixing the antibody containing contents of the eggs with a liquid extender palatable to the food animal. --
- Claim 36 has been rewritten as follow: -- A method for substantially reducing or eliminating the incidence of rumen acidosis in food animals caused by the presence of lactic acid forming bacteria in the animal by inhibiting the ability of the bacteria to adhere to the rumen of the animal to reduce the ability of the bacteria to multiply, said method comprising:
 - a. inoculating female birds, in or about to reach their egg laying age, with *Streptococcus bovis* bacteria whose colonization results in rumen acidosis and the *Streptococcus bovis* having been cultured to stimulate adherence SB antigens;
 - b. allowing a period of time sufficient to permit the production in the birds of antibody to *Streptococcus bovis* adherence antigens;
 - c. harvesting the eggs laid by the birds; and
 - d. separating the antibody-containing contents of said eggs from the shells;
 - e. drying said separated antibody-containing contents of said eggs;
 - f. distributing the resulting dried egg antibody product substantially uniformly through an animal feed or water; and
 - g. supplying the resulting antibody-containing animal feed or water to food animals to substantially inhibit adherence of *Streptococcus bovis* bacteria to the rumen, thereby substantially reducing or eliminating the incidence of rumen acidosis in food animal.

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- Claim 38 has been rewritten as follow: -- The method of claim 36 further comprising providing a dry feed carrier material, and drying the separated antibody-containing contents of said eggs by coating said dry carrier material with said separated antibody-containing contents of said eggs. --
 - Claim 39, line 2, "includes" has been changed to -- is selected from the group consisting of --
 - Claim 39, line 3, "or" has been changed to -- and --
 - Claim 40, lines 7, 11, and 18, "*Lactobacillus, spp.*" has been changed to -- *Lactobacillus spp.* --
 - Claim 40, line 18, "prevent" has been changed to -- reduce --
 - Claim 40, last line, -- thereby substantially reducing or eliminating the incidence of rumen acidosis in food animal -- has been inserted after "rumen"
 - Claim 41, line 1 "including:" has been changed to -- further comprising --
 - Claim 42, line 2, "includes" has been changed to -- is --
4. Claims 1, 3, 5-12, 18, 20-29, 36 and 38-42 are pending and allowed.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh "NEON" whose telephone number is (571) 272-0846. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 6:30 p.m. and alternate Friday from 9:00 a.m. to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The IFW official Fax number is (571) 273-8300.
6. Any information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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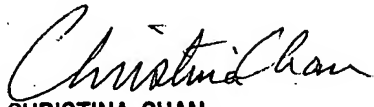
system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuong N. Huynh, Ph.D.

Patent Examiner

Technology Center 1600

March 30, 2007


CHRISTINA CHAN
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